

Appl. No. 10/034,719
Amdt. dated November 16, 2004
Reply to Office action of August 25, 2004

REMARKS/ARGUMENTS

Applicant has received the Office action dated August 25, 2004, in which the Examiner: 1) rejected claims 1-11, 16-17, 20, 25-26 and 29 under 35 U.S.C. § 102(e) as being anticipated by Clark (U.S. Pat. No. 6,560,326); and 2) rejected claims 12-15, 18-19, 21-24, 27-28, 30-31 under 35 U.S.C. § 103(a) as being unpatentable over Clark. With this Response, Applicant amends claims 1, 21, 25 and 26. Also, Applicant adds claims 32-35. Based on the amendments and the arguments presented herein, Applicant respectfully requests reconsideration and allowance of the pending claims.

I. § 102 AND § 103 REJECTIONS

Amended claim 1, in part, requires "an operations management module coupled to the message transport module and the at least one subsystem, performing local operations management for the application, wherein the operations management module determines overload capabilities of the at least one subsystem." Clark does not teach or suggest this limitation.

Clark teaches service combination managers 62 that manage the combination of individual services (44, 46, 48) available in an Intelligent communications network 2 (see Figure 3 and col. 5, line 53 – col. 6, line 6). When an Incoming connection query message 71 is received, a database is consulted to determine individual services (44, 46, 48) associated with the query 71. The query 71 is then forwarded to an appropriate service combination manager 62 (see Figure 3 and col. 6, lines 7-50).

Clark does not teach or suggest "[an] operations management module [that] determines overload capabilities of the at least one subsystem" as required in claim 1. The Examiner apparently equates a service combination manager 62 taught in Clark with Applicant's claimed "operations management module" (see Office action, page 2, heading 2). However, the service combination manager 62 does not determine "overload capabilities of the at least one subsystem" as does Applicant's claimed "operations management module." For at least this reason, Applicant submits that claim 1 and all claims that depend from claim 1 are allowable.

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Amended claim 21, in part, requires "an intelligent network server coupled to the communications network, the intelligent network server dynamically monitors performance criteria for subsystems on the intelligent network server." a Claim 21 further requires "a network operations management device coupled to the communications network." Clark does not teach or suggest these limitations.

The Examiner admits that Clark does not teach "a network operations management device coupled to the communications network" as required in claim 21 and states that Clark teaches "the SSP 32 generates connection query messages and forwards them to the SCPs then in [turn] forwards to the service combination manager" (see Office action, page 5, paragraph 2). Applicant is unsure what the Examiner is arguing. The teachings cited by the Examiner do not teach or suggest "a network operations management device coupled to the communications network" as required in claim 21. Additionally, Clark does not teach or suggest "[an] intelligent network server [that] dynamically monitors performance criteria for subsystems on the intelligent network server" as required in claim 21. For at least these reasons, Applicant submits that claim 21 and all claims that depend from claim 21 are allowable.

Amended claim 25, requires "means for reporting a unified health status for the Intelligent network server to network operations management, wherein the unified health status is based on the operations management for multiple applications on the Intelligent network server." Clark does not teach or suggest "reporting a unified health status for the intelligent network server to network operations management" as required in claim 25. Further, Clark does not teach or suggest "[a] unified health status [that] is based on the operations management for multiple applications on the intelligent network server" as required in claim 25. For at least these reasons, Applicant submits that claim 25 is allowable.

Amended claim 26, in part, requires "reporting a unified status for the intelligent network server to network operations management, wherein the unified status is based on a health determination for each of the multiple applications on the intelligent network server." Clark does not teach or suggest "reporting a unified status for the intelligent network server to network operations

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management" as required in claim 26. Further, Clark does not teach or suggest "[a] unified status [that] is based on a health determination for each of the multiple applications on the intelligent network server." For at least these reasons, Applicant submits that claim 26 and all claims that depend from claim 26 are allowable.

II. NEW CLAIMS

New claim 32, in part, requires "a network management device coupled to the communications network and configured to manage service control points coupled to the communications network." Claim 32 also requires that "at least one of the service control points comprises a server on which a plurality of network service applications reside, and wherein the server is configured to monitor performance criteria of the network service applications and send messages to the network management device based on the monitored performance criteria of each of the network service applications." Support for the new claims is provided, at least, in Figure 3 and paragraphs [0030]-[0034] of Applicant's specification.

Clark does not teach or suggest that "at least one of the service control points comprises a server on which a plurality of network service applications reside" as required in claim 32. Further Clark does not teach or suggest that "the server is configured to monitor performance criteria of the network service applications and send messages to the network management device based on the monitored performance criteria of each of the network service applications" as required in claim 32. For at least these reasons, Applicant submits that claim 32 and all claims that depend from claim 32 are allowable.

III. CONCLUSION

In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may

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be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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